

From: [Marshall, Paul](#)
To: [Mark Simms](#); [Tom Pingel](#)
Cc: [Jim Maynes](#); [Justin Vondrak](#); kim.hoskins@kimhec.com
Subject: RE: Sioux City Pre-Treatment
Date: Monday, August 21, 2017 2:32:00 PM

Mark,

Thanks for the update on CHS and the extra details on how a bypass at BOE would occur.

Paul T. Marshall
Pretreatment Coordinator
US EPA Region 7

From: Mark Simms [mailto:msimms@sioux-city.org]
Sent: Monday, August 21, 2017 1:15 PM
To: Tom Pingel <tpingel@sioux-city.org>; Marshall, Paul <Marshall.Paul@epa.gov>
Cc: Jim Maynes <jmaynes@sioux-city.org>; Justin Vondrak <jvondrak@sioux-city.org>; kim.hoskins@kimhec.com
Subject: RE: Sioux City Pre-Treatment

Mr. Marshall,

Just to follow up on this so you are not left wondering-

One of our Assistant City Attorneys was involved in the fine and appeal process and has been working on a negotiated settlement with CHS. Once that action is complete we can provide you with whatever information you may desire.

Regarding BOE- I spoke with the Public Works Director of South Sioux City late last week. He indicated that the bypass is under the control of the City of South Sioux City. BOE would have to request the bypass from South Sioux City and the City would actually turn the valve (which is a city valve). We are now discussing the re-issuance of the 3 permits. We may develop questions or need your guidance as we move forward. We do intend to be prepared to initiate sampling and monitoring should a bypass occur so we are prepared for the waste stream(s) at our facility and in our infrastructure.

Kim Hoskins is assisting on the BOE matter, so I have cc'd her here.

Mark Simms
Utilities Director
City of Sioux City
O: 712.279.6957

From: Tom Pingel

Sent: Thursday, August 10, 2017 2:56 PM

To: Marshall, Paul <Marshall.Paul@epa.gov>

Cc: Mark Simms <msimms@sioux-city.org>; Jim Maynes <jmaynes@sioux-city.org>; Justin Vondrak <jvondrak@sioux-city.org>

Subject: RE: Sioux City Pre-Treatment

Mr. Marshall,

I believe the City of Sioux City and CHS have come to an agreement. I do not know the details or the amount on the penalty. I have copied Mark Simms, Jim Maynes and Justin Vondrak on this email as they can shed more light on the details.

Thanks,

Tom Pingel

WWTP Operations Supervisor

City of Sioux City

Email : tpingel@sioux-city.org

Office : 712.279.6168

Mobile : 712.223.8311

From: Marshall, Paul [<mailto:Marshall.Paul@epa.gov>]

Sent: Thursday, August 10, 2017 12:42 PM

To: Tom Pingel <tpingel@sioux-city.org>

Subject: RE: Sioux City Pre-Treatment

No problem.

One of those industries you asked about, CHS, was to be the object of an enforcement action by the City for pH discharges outside their permitted range. Do you know if the City and CHS ever came to an agreement on the penalty amount?

Thanks,

Paul T. Marshall

Pretreatment Coordinator

US EPA Region 7

From: Tom Pingel [<mailto:tpingel@sioux-city.org>]

Sent: Thursday, August 10, 2017 7:01 AM

To: Marshall, Paul <Marshall.Paul@epa.gov>

Cc: Jim Maynes <jmaynes@sioux-city.org>; Mark Simms <msimms@sioux-city.org>

Subject: RE: Sioux City Pre-Treatment

Mr. Marshall,

Thank you for answering my questions, I greatly appreciate it!

Sincerely,

Tom Pingel
WWTP Operations Supervisor
City of Sioux City
Email : tpingel@sioux-city.org
Office : 712.279.6168
Mobile : 712.223.8311

From: Marshall, Paul [<mailto:Marshall.Paul@epa.gov>]
Sent: Wednesday, August 09, 2017 5:15 PM
To: Tom Pingel <tpingel@sioux-city.org>
Cc: Jim Maynes <jmaynes@sioux-city.org>; Mark Simms <msimms@sioux-city.org>
Subject: RE: Sioux City Pre-Treatment

Hi Tom,

With regard to the three industries who formerly discharged to Sioux City but now discharge to BOE it depends on what type of configuration their discharges would take. If they will continue to discharge to BOE, and the flows would enter BOE's property prior to bypassing BOE, I would consider them discharges from BOE and deal with BOE accordingly. However, if the discharge configuration would be such that the flows from the three industries never left the publicly owned collection system (either yours or South Sioux City's), there are probably a couple of ways to handle it.

You could issue permits that go into effect upon discharge, were it to occur. I would write a provision in the permit that requires immediate notification upon knowledge of when it will be discharging to you. So, if it finds out a day in advance that they will be discharging to you, they will have to notify you then. Likewise, if they find out 10 days in advance that their flow will be diverted to you, they would need to notify you 10 days in advance. If it's an emergency diversion, they would need to inform you at that time. Since the permits are not in effect unless there is a discharge, the facilities would not need to be considered significant industrial users on your annual report unless they discharged during the year. If they did have a discharge, they would need to be sampled and inspected sometime during the year. Because IDNR is your Approval Authority, I would discuss this with them to ensure they approve of the approach.

Another way to handle it would be to apply what is likely already in your Sewer Use Ordinance. That is, they will need to apply for a permit once they know they will have a discharge. If they would fail to apply for the permit, you could use your Ordinance and Enforcement Response Plan to take enforcement for discharging without a permit. You will have to look at the exact language of your

Ordinance to make sure you have all of the authorities necessary to take action if they discharge to you without a permit, even if it's only for a few days.

With regard to your pharmaceutical facilities, the Categorical waivers you speak of can be combined with the waiver from the Streamlining regulations. The Categorical requirement is that the facility does not have to have permit limits in its permit, nor monitor for the compounds as long as it can show it does not use or generate the compounds. It is required to sample once per year to show that the pollutants are not present. However, by applying the Streamlining provisions, that annual sampling demonstration can be reduced to one sampling event over the duration of the permit.

Bear in mind that cyanide is treated slightly different. The permit should contain the cyanide limits, but they can certify semi-annually that they do not use or generate cyanide in their semiannual compliance report.

Without knowing more about the facilities I can't make a determination of whether they should not be classified under the Pharmaceutical regulations. If you will provide more information on their manufacturing processes I would be happy to look at it.

Thanks,

Paul T. Marshall
Pretreatment Coordinator
US EPA Region 7

From: Tom Pingel [<mailto:tpingel@sioux-city.org>]
Sent: Wednesday, August 09, 2017 12:36 PM
To: Marshall, Paul <Marshall.Paul@epa.gov>
Cc: Jim Maynes <jmaynes@sioux-city.org>; Mark Simms <msimms@sioux-city.org>
Subject: Sioux City Pre-Treatment

Mr. Marshall,

Hello, my name is Tom Pingel. I am the Sioux City Wastewater Operations Supervisor and I am also the Interim Pre-Treatment Coordinator. We will let you know who the new Pre-Treatment Coordinator is as soon as the position is filled.

I have a question regarding three industries in South Sioux City and I was hoping to get your input. In the past these three South Sioux City Industries directly discharged wastewater to the Sioux City WWTP. The three industries are CHS, Richardson Milling and BPI. Currently, the said industries directly discharge to a facility called Big Ox Energy. This facility, Big Ox Energy, treats the waste streams and then discharges treated wastewater to the Sioux City WWTP. Since we do not directly receive wastewater from CHS, Richardson or BPI they no longer have discharge permits (they

expired in April of 2017). The question is, what should we do in the event of a Big Ox Energy failed/broken discharge pump and the by-pass of Big Ox Energy occurs? If this event were to happen, the three industries would directly discharge to the Sioux City WWTP without a permit. Should we re-issue permits to the three industries, that way if a pump failure occurs at Big Ox Energy, we can accept wastewater from CHS, BPI and Richardson?

I have another question regarding Categorical Standard waivers. The waivers in question are from Aspen API Inc and Mobren. Both of these industries have a Categorical Standard 40 CFR 439. They are currently submitting waivers twice per year. These facilities are stating they do not use or produce the compounds regulated under the federal ordinance therefore a waiver should be granted. The question is, does section 6.0 of the EPA Streamling Rule take precedence over the Categorical Standard 40 CFR 439? If not, should Sioux City WWTP reject the waiver? Are these industries under the wrong categorical standard since they do not produce the compounds regulated under the federal ordinance?

Thank you for your time and help!

Tom Pingel
WWTP Operations Supervisor
City of Sioux City
Email : tpingel@sioux-city.org
Office : 712.279.6168
Mobile : 712.223.8311